## THE COURTS.

Petitions and Discharges in Bankrup'cy-The Erie Railway Litigation-The Hogan Will Case-The Burrows Divorce Suit-Decisions.

#### UNITED STATES SUPREME COURT.

The New Albany and Sandusky City Railroad-Pre-emption Titles to Public Lands. Washington, March 25, 1871.

No. 115. The City of New Albany vs. J. P. Putnan of al.-Appeal from the District Court for the District of Indiana .- This bill was filed by Putnam and others against the New Albany and Sandusky City Junction Railroad Company, the city of New Albany and others, to reach the unpaid stock of the railroad corporation and apply the money collected upon the judgment debts of the railroad company, which cannot be made by execution. It was alleged that the city of New Albany is indebted to the railroad in the sum of \$193,000 on bonds issued to aid in its construction, and in the sum of \$200,000 upon subscriptions payable in bonds not issued, and that there was then due on the bonds assued and to be issued \$70,000 in interest. It was also set forth that the city pretended to have compromised with the read and to have been released on the bonds issued and from its further subscription. This arrangement, if made, was charged to be frauchent and void, not only because of the frauch but because of want of power on the part of the officers of both the city and the road to make such a compromise. The defence was that the issue of the bonds was irregular, and that there was no notification of the subscribtion in consequence of non-conformity with the act of the Legislature authorizing it. On the trial it was objected that ordinance of this Common Council of the city was not evidence tending to show a legal ratification of the subscription, and the court overruied the objection, and the decree was for the complannant. The approach is the subscription of the subscription and the court overruied the objection. not be made by execution. It was alleged that the and the decree was for the complainant. The ap-peal is based on alleged error in this ruing and in

No. 117. Alexander A. Baker vs. William S. T. Morton.—Appeal from the Circuit Court for the Dis-triet of Nebraska.—This was a proceeding in equity o recover lands claimed to have been conveyed by Baker under duress to one Pierce, against which Morton holds a judgment lien. Baker alleged that he settled upon lands near Omaha, but was comhe settled upon lands near Omaha, but was com-peiled to surrender his title, without consideration by deed to Pierce, by threat of violence, made by an armed body of men known as the "Omaha Claim Club," which, in the early settlement of the Terri-tory, controlled the disposition of the public lands, in defiance of the laws of the United States. The prayer was that Pierce be decreed to re-convey the little to Baker, and that the deed of the latter to the former be declared inoperative. Upon the trial the bill was dismissed, and the case comes here for review of the facts.

review of the facts. No. 118. J. M. Johnson et al. vs. John W. Toucs. ley-Error to the Supreme Court of Nebraska.-This bill was filed by Towsley to compel Johnson, the patentee, and his grantees, the other defendants, to city of Omaha, on the ground that he had a valid pre-emption to the land at the time it was entered y Johnson. The bill alleged Towsley tendered to by Johnson. The bill alleged Towsley tendered to the Register of the Public Lands his statement of an intention to pre-empt, but the Register refused to file it, upon the ground that one Bennett had already pre-empted it, and that Bennett's pre-emption was afterwards declared illegal by the Secretary of the Interior; that Johnson's statement was subsequently filed and his claim wrongfully allowed by the Interior Department. The judgment was for the complainant, and Johnson seeks to have it reversed, on the ground that the proofs failed to establish the corrupt influences in his favor alleged to have been used.

# UNITED STATES DISTRICT COURT-IN BANKRUPTCY.

Voluntary Petitions.
Voluntary petitions in bankruptcy have been filed in the past week by Samuel Perry and Charles S.

Adjudications in Involuntary Cases.
The Gaylord Patent Coupling and Manufacturing Company, Charles H. Rundle, Willard C. Black and Eli H. Chase.

Discharges. Discharges were granted to Stephen H. Petrie, John H. McKee, Charles M. Carpenter and George B. Petrie.

#### SUPREME COURT-CHAMBERS. The Eric Litigation.

Before Judge Cardozo. Heath vs. Erie Railway Company .- This case was have been argued yesterday, in pursuance of the adjournment a week ago. The subject matter is the disposition to be made of the 60,000 shares of Erie Railway stock placed by order of the Court in the hands of the plaintiff as receiver. As a previous order made by the United States Court has not yet been disposed of a further adjournment took place till next Thursday. Decisions.

Banford vs. Livingston.-Motion granted on payment of \$10 costs.

Before Judge Sutherland.

Connor vs. Connor.—Order settled.

# SUPREME COURT-CIRCUIT.

Will Case. Before Judge Sutherland. Sarah C. Hatch vs. Clara M. Peugnet et al .- The argument of the motion for a new trial upon the Judge's minutes came up yesterday morning. The Judge stated, previous to the opening, that his mind was pretty clear as to his want of power to entertain or grant this motion at this time, and suggested that e proper way to raise the question would be by preparing case and exceptions and making thereon s motion for a new trial. Still he was willing to hear what counsel for the defendants had to urge in supporting their theory as to his jurisdiction in entertaining the motion. He added that he had come to the conclusion stated after conference with his associate judges. Counsel for the defendents availed themselves of the opportunity offered them to argue their side of the case and did so at considerable length. It was insisted that the Court had jurisdiction to entertain the motion, and in favor of the motion it was urged that in reference to Dr. Peuguet inducencing Mrs. Hogan in making her will and in the execution of the deeds disposing of her property, the verdict of the jury had not so much as suspicion, much less, proof to rest upon; that he married his wife at the time he did under the advice of Mr. Thebona, who very emphatically stated, when on the stand, that he thought, owing to Mr. Hatch's relations to the Hogan family, they needed a protector; that at the reading of the will and testamentary letter at the convent both Mr. and Mrs. Hatch hilly and treely exonerated Dr. Peugnet from all connection whatever with the disposition made by Mrs. Hogan of her property; that Dr. Peugnet induced Mrs. Hogan as she herself stated to destroy the will of April, 1812, giving Clara ail her property, as unjust, which, according to the Judge's statement, is a circumstance in his favor as to the will; that a person under our law is at full liberty to dispose of his or her estate to such person as he or she sees fit; that the burden of establishing undue influence rested upon the party by whom it was alleged; that this under influence cannot be presumed, but must be proved to have been exercised, and exercised in relation to the will itself, and not merely other transactions; that even though the jury may not or do not perceive why the testatrix was induced to discriminate in her will so unfavorately against her daughter Sarah, that fact alone is not sufficient to establish that her will was not her free and voluntary act; that whether Mrs. Hatch is a wronged or injured woman depends upon the standpoint from which she supporting their theory as to his jurisdiction in entertaining the motion. He added that he had come to the conclusion stated after

#### SUPERIOR COURT-SPECIAL TERM. Another Chapter in the Burrows Divorce

Before Judge Jones.

Jane N. Burrows vs. Thomas Burrows.-The particulars of this case have been fully published in the HERALD. The plaintiff, it will be remembered, is now about sixty years of age and ten years older than her busband, and they have no children On her return, in the fall of 1809, from a six months' travelling tour in Europe, with an adopted daughter, she claims to have learned of certain alleged marital irregularities on the part of

her husband, and instituted proceedings for a divorce and alimony. It is set up on her part that, from beginning their married life here poor—they were married in freland—he, from an humble stone mason, became a master builder and worth \$250,000. He denies the alleged marital irregularities and ciphers his property down to \$112,000 and his income from it only a trifle over \$5,000. The marter came up again yesterday, and some additional afficavits were submitted bearing both upon the merits of the case and the motion for alimony. These affidavits embedded no new facts of marital interest. At the conclusion of reading the affidavits and argument by the opposing counsel the Judge followed the usual course, taking the papers and reserving his decision.

Still Fighting It Out on the Same Line.

Jane F. Halstead vs. David Halstead.—This is the well known action brought by the plaintiff to obtain additional alimony from her husband, the two having been divorced twenty-five years ago. When the divorce was first granted the defendant, then being divorce was first granted the defendant, then being in a comparatively impecunious condition, was ordered to pay the plaintiff only fifty dollars a year. Recently the Judge ordered this amount to be increased to \$500 a year. It is alleged that the latter order was given upon erroneous allegations in the papers of the plaintiff as to her present resources and indebtedness, and thereupon a motion was made for reargument of the case, which motion was argued yesterday and additional anidavits submitted. The Court reserved its decision.

Decisions. By Juage Jones.

Anne M. De Costa vs. August Hynaud.-Reference ordered. James Kennedy vs. John B. Kennedy.

Marshall C. Roberts vs. William F. Canfield .-Marshate C. Rock and Marshate Roger.—Same.
Jane Lewis vs. Archibald Roger.—Same.
George Guset vs. Christian Schmid.—Same.
Frank Govanon vs. Le Grand Lockwood.—Same.
Edward Cooledge vs. Christopher Hart.—Same.

# COURT OF SPECIAL SESSIONS.

Nelly That Didn't Know Her Mother-Mrs. Barry's Oysters and Pepper Box-Tale of Two Shaws-Saffron Tinted Knuckles on Coffee Colored Eyes-Let Us Have Peace, Mrs. Murphy.

Before Judges Dowling and Shandley. The spring weather, with its bright sunshine, gave cheerful aspect to the Court of Special Sessions yesterday. This was evidenced by a readiness on the part of the audience to laugh at anything in the semblance of a joke which Justice on the bench, evidence in the chair or alleged criminality at the bar ventured to indulge in. This practice of jocularity at times presents a certain ghastliness. Yes terday it fitted the general spirit so well that even the convicted frequently indulged in merriment which was sadly at their own expense. Judges Dowling and Shandley presided. A great many un-important cases were hopped over with a springtide alacrity.

Catharine Schnelder, elderly and "genteel," and Nelly White, young and "genteel?" also, were charged with

Nelly White, young and "genteel" also, were charged with
STEALING A PIECE OF SILK
from the store of the well-known dry goods retailers, McCreery & Co. The superintendent of the firm prosecuted. He saw the more elderly of the prisoners abstract and conceal the article. The case looked grave for the old lady, who pleaded guity, and nice-looking Nelly prepared to wash her hands of the business by testifying on her ewn behalf as follows:—She only spoke to the other woman for a few moments in the shop and didn't know her.

THAT MEMORY AGAIN.

Judge Dowling—I have seen you before. Wasn't it on a similar charge?
Nelly (weakening)—"Yes, sir."
"How often were you here ?"
"Three times."
"Tell me, now, is not that woman at the bar your mother ?"
(Yes, recektiv. (Yes, etc.")

"Tell life, how, is not that woman at the bar your mother?"

(Very weakly)—"Yes, sir."

"Weil, Nelly, the Court finds you guilty. It is a curious thing to see a girt that swears she don't know her mother. You will retire to the Penitentiary for six months, and your mother will follow your excelleat example for five."

A respectable looking young man, Henry Waterman, was charged with stealing a piece of haircloth worth twenty dollars. He admitted his guilt. He had been out of work all the winter and was very badly off, when he forgot his duty to society, which was letting him starve. The property was recovered. His mother, a respectable woman, in great grief about her son, declared that her boy had never before been arrested. The Judge asked the prisoner

IF HE WAS WILLING TO WORK. The repentant youth was willing to work at anything. The Judge gave him a note to procure employment, and told him to go his way and sin no more.

ployment, and told him to go his way and sin no more.

Cornelius Fall was guilty of making

A RAID ON AN OYSTER STAND,

Kept by Mrs. Honora Barry.

"That by, yer Honor, an' a crowd of viliyans bruck in on my shtand and tuck my 'ysters an' my pepper box, an' thin run to eschape, an' I hollering murdner at the top o' my vice. I'm a lone woman in that pepper box."

Six months Penitentiary.

James Shaw was charged by James Shaw with studying

ANATOMY ON THE BASE OF THE SKULL

with a shovel. The skull in question was carefully protected from the fresh air by a mountain of wrappings, giving James Shaw, secundus, the appearance of a bolster in human apparel. The parties were cousins. An old feud existed between them. James Snaw in the witness box had repeatedly and persistently "laid for" James Shaw at the bar, who had, on an available opportunity, "laid out" his cousin with the delving instrument. Ten doilars to the county was the salve applied.

had, on an available opportunity, "laid out" his cousin with the delving instrument. Ten dollars to the county was the salve applied.

The beneficiaries of the colored amendment to the constitution were present in force. Coffee-colored Ann Johnson exhibited a barely discernible but pronounced black eye, which she received from the SAFFRON-TINTED KNUCKLES of William Tunsell, who, in addition, offered to cut her throat with a razor. Three months.

Sylvester White, who was one-fourth black, was unwillingly prosecuted by Nathaniel Alford, a most peculiarly miscegenated specimen. Maryland was his birthplace; but whether from the Malayan Archipelago, the noble red man, the African or the Cancasian, or to what mixture of these he owed his brass-colored skin, elongated cranium and long, black hair, kinked at the end, was not in evidence. The part of his optics normally white was suffused with a bright red; a pair of genuine white man's black eyes gave the finishing touch to his extraordinary presence.

ing.
"He come for me, yah! yah! an' bust me in bofe "He come for me, yan: yan: sump of coal at my deeyes."

"Yer honor, dat man frew a lump of coal at my head, and I want t' ask dat man what he wanted to do to me if he got me down." (To Alford.) I want know did you say "I'll kill you, you son of a "?"

Joodge, I know beffer dan say de rest."

"Well, yes, I did. Yan! yan!"

"Diden I gif you ten dollahs to call it square?"

"Diden I gif you ten dollahs to call it square ?"
"Yah! Yah!" An' diden you buy whife-wash brushes wid dat

"Yan! Yah!"

"An' diden you buy whife-wash brushes wid dat ten dollahs?"

"Yah! Yah!"

The Court decided that the prisoner had bought and talked himself out of the scrape and requested him to regain his constitutional freedom.

Still another dusk-skinned biped (bearing the classic name of John Smith) was accused of assault. Bridget Murphy, with a black and bandaged eye, complained. John denied the aspersion. A white witness was called on his behaif. This gentleman was sitting on a fence when the encounter took place, and supported Smith in his statement that Bridget was the assailant, going for John with a club. The latter parried the blow and exclaimed, "For God's sake, let us have pease, Mrs. Murphy." The lady had immediately previous been engaged in a row with her husband and came to vent her spicen on the devoted Smith's head. The Judge commended the man on the fence, and let Smith out to spread the President's motto.

# RROOKLYN COURTS.

SUPREME COURT-SPECIAL TERM.

The Carr's Rock Disaster-Heavy Verdict Before Judge Gilbert,

In February, 1869, Mr. Camden C. Dyke brought suit against the Eric Railroad Company to recover \$50,000 for injuries sustained at the Carr's Rock dis aster in April, 1865. The jury gave him a verdict of \$35,000 against the company, who carried the case to the General Term, and being defeated there, to the Court of Appeals, which latter tribunal has

adirmed the judgment.
Yesterday Mr. Ward, counsel for plaintiff, upon application to Judge Gibert, obtained an order making the judgment of the Court of Appeals the judgment of this court. This is, probably, the largest verdict ever recovered for a similar cause of action.

The Evergreen Cemetery Litigation. An application was made yesterday, on behalf of William H. Butler, for an order requiring William E. Andrinesse, the receiver, to render an account of all his official transactions since his appointment. The petition alleges that Andrinesse is in collusion with petition alleges that Andrinesse is in collusion with interested parties to the detriment of the corporation; that he wastes their money; that he is incompetent, and asks finally that he be displaced and a competent man appointed to succeed him.

Mr. Andariesse denies the charges in toto, and claims that the cemetery grounds have not suffered by neglect or depreciated in value in consequence thereof since he has been receiver. Decision reserved.

# SUPREME COURT-CIRCUIT

The Fall of the Old Hamilton Avenue Market-One Hundred and Fifty Dollars for the Loss of a Daughter. Before Judge Gilbert.

Edward Mullen, Administrator, &c., vs. Samuel

cover \$5,000 for the death of his daughter, Isabella, aged nearly ten years, who was killed on the 28th of June last by the fall of the Hamilton avenue Market. The case was reported in the Herald of yesterday. It was claimed by the defendants, owners of the building, that the girl was an intruder upon their premises, and they, therefore, set up contributive negligence. The jury rendered a verdict in favor of plaintiff and assessed the damages at \$150.

# COURT OF OYER AND TERMINER.

Sylvi Maillard Convicted of Manslaughter in

the Third Degree.

Before Judge Tappen and Associate Justices.

The second trial of Sylvi Maillard for the murder of George Wilson near the Grand street ferry, Eastern District, on the morning of the 8th of January last, resulted yesterday afternoon in a conviction for manslaughter in the third degree. The circum-stances have aready been fully published in the HERALD. On the first tria', it will be remembered,

#### COMMON PLEAS-SPECIAL TERM. Decisions.

By Judge Robinson

Herrick vs. Reid .- Order denied. No evidence sufleient to convict deponents of fraud. Crofut vs. Jacobs .- The adidavits furnish no evidence upon which the defendants should be con-victed of fraud in contracting the debt on plaining. Cectia Codwise vs. Hewlett C. Codwise.—Divorce granted to plaining.

### SURROGATE'S COURT.

Wills Admitted-Letters of Administration, &c.

Before Surrogate Veeder. Surrogate Veeder during the past week admitted ton, Vt.; Mary J. Thomas, of New Utrecht; Anna Pauline Williams, of Stonington, Conn., and Wil-

Pauline Williams, of Stonington, Conn., and William Jeffers, Peter Habenthal and Robert B. Worden, of the city of Brooklyn.

Letters of administration were granted on the estates of Ditmus Duryea (Flatbush), and Margaret McDonald, John P. Connor, James Brown, Ann Knowles, Lucius S. Wood, William H. Burleigh, John Kllieen and Catharine Plant, all of Brooklyn.

Letters of guardianship of the person and estate of Alice B. Redwood were granted to Grace N. Redwood, her mother: of Lena Maybury and Charles A. Maybury to Margaret Maybury; of Isabella B. Whitney, to Thomas E. Whitney; of William A. Dorsey to Mary Ann Hodgson; of Jacob N. Brady to Ann Louisa Nash, all of Brooklyn.

### THE ERIE RAILWAY LITIGATION.

# THE ENGLISH STOCKHOLDERS.

Jay Gould Puts in an Appearance-The Receivership of Messrs. Coleman and Robinson.

Tae case of James Fisk, Jr., and the Erie Rallway Company vs. Heath and Raphael came up again in the United States Circuit Court yesterday, before

Judge Blatchford.
Mr. Evarts and Mr. Southmayd appeared for the English shareholders, Heath and Raphael; Mr. T. C. Buckley and Mr. Clarence Seward for Mr. J. B. Coleman, the receiver appointed in the State Court. of the 60,000 shares of Erie stock claimed by the English snareholders, and Mr. A. J. Vanderpoel for Mr. Robinson, who has also been appointed receiver of the stock in question, and who has presented a petition to the United States Circuit Court asking instructions from Judge Blatchford, as Mr. Coleman has done.

Judge Blatchford, addressing the counsel engaged in the case, said that an order obtained from him was returnable to-day. He had granted another order, and ordered papers to be filed on another petition, at Mr. Fullerton's suggestion. He said he was obliged to go away to Virginia last night, and, herefore, he (Judge Blatchford) thought it better that this matter should stand over till next Saturday, when he would hear all the motions together. Mr. Buckley said it was his desire that this should

Mr. Evarts said :- The matter upon Mr. Coleman's petition was before Judge Cardozo this morning. It was mentioned to him by Mr. Seward, and Judge Cardozo desired that the case should stand over until Thursday next to awaithis Honor (Judge Blatchford's) decision. Mr. Vanderpoel represented Mr. Robinson, the receiver, on an order returnable this morning made in the matter of Coleman in the suit of Fisk and the others who were joined in what was called the Yellow-Covered suit. Mr. Swan was the only defendant whose name was transferred here, showing the time and date of the transfer, which would bring the case into this court on the first day of next term. The affidavit of Mr. Swan stated, what was not to be disputed, that he has no interest of any kind whatever in the stock. and it was not alleged he had any interest in it. He peared he had applied to the Court for the removal, because he had been served with the papers. He was an Englishman, and wished to have his case disposed of in this court. He (Mr. Evarts) did not care to have any discussion upon the matter to-day. and would consent to its going over to Saturday next.

Judge Blatchford-I understood something was intended to be done which would not render it necessary for me to accide the matter.

Mr. Evarts-Something may be done so that no conflict may arise between the State court and this court. The State court has no disposition to proceed with the case except subject to your Ho decision. But we do not present any subject th decision. But we want the left in the State court.

Judge Blatchford—I put the case over to this day in the hope that something might be done to prevent

decision.
Mr. Evarts—The rights of these parties must be ascertained, unless Mr. Coleman gives back the

Mr. Buckley—The reason why the matter was not Mr. Buckley—The reason why the matter was not disposed of in the State court was from circumstances entirely beyond the control of the parties. It was intended and believed that such action would be taken in the State court on Thursday as would place the action of both courts in entire harmony. I apprehend that the action of the State court will be such as to place your Honor in a position to make an order on Mr. Coleman's receivership as will relieve Mr. Coleman and also relieve Mr. Robinson, who has petitioned the Court for instructions.

Judge Biatchford—The only instructions I can give Mr. Coleman are those contained in the order I have already made. There was something about Mr. Coleman's bond. I have not got a copy of that bond.

Mr. Buckley-I was told that a copy of the bond

ond.

Mr. Buckley—I was told that a copy of the bond was sent to your Honor on Tuesday last.

Judge Blatchford—I never received it.

Mr. Buckley—Then my information is not correct.

Judge Blatchford—I do not know what it is I am to decide. Mr. Coleman asks for instructions. I have given him instructions already on the only point on which I could instruct him in the order I have issued. He thinks that he might get into trouble about the bond he has given.

Mr. Evarts remarked that as Mr. Buckley suggested it might be that the whole control would be absolutely removed to or considered to be with this court by the State court, he might ask if there were any other instructions to Mr. Coleman other than what appeared on his Honor's order.

Judge Blatchford—I am disposed to modify the order so as to let the reference proceed before Mr. White, the Master, and let both motions go on. Mr. White can go on with the reference on Monday.

Mr. Buckley—If the reference is to go on under the direction of the Court I should like it to be fixed for Tuesday, as on Monday I shall be engaged in another court.

Judge Blatchford—That is a matter which the nother court.

Judge Blatchford—That is a matter which the

Judge Blatchford—That is a matter which the Master will regulate.

Mr. Buckley—As to that bond, I shall see that your Honor gets a copy of it.

The petition of Mr. Robinson, the receiver, was then adjourned till Saturday.

Judge Blatchford—It seems to me that all this is for delay—applications and motions of all kinds.

Mr. Buckley—That is a matter with which Mr. Coleman has nothing to do.

Mr. Evarts—We want to get back the stock to which we are entitled. We must not lose sight of the fact that the owners of this stock nave had it taken away from them and want it restored.

In reply to Mr. Buckley Judge Blatchford said he could not decide the case until he got a copy of Mr. Coleman's bond.

The further hearing of the case was then adjourned.

Jay Gould's Petition. In the matter of the Petition of James H. Coleman.

Receiver, James Fisk, Jr., and Others vs. John Swan, Impleaded,-Jay Gould has filed a petition in the United States Circuit Court in which he states that he was a defendant in the suit in the Supreme Court of the city of New York in which James H. Coleman was appointed receiver of certain shares stock; that he was a party defendant in the above entitled suit; this suit, he believes, is brought with reference to precisely the same stock as that in question in the State court, in which Coleman was appointed receiver; and he believes there were other defendants in the law suit R. St. John and Others.—The plaintiff sued to re- besides Swan who had been duly served. After the

tection Committee, and after the transfer to it as well of the stock mentioned as of large quantities of Gould, the petitioner, commenced to pur-chase and sell the stock so delivered to the Eric Shareholders' Protection Committee and received by them having the stamp thereon of Heath and Raphael, and he also commenced to purchase and sell quantities of the receipts mentioned in the complaint in the first action. These receipt in the co mplaint in the first action. These receipts passed current in the market as for the stock purporting to be thereby represented, and were the only evidences of title which the holders of the receipts had upon the stock thereby purporting to be represented. Prior to the commencement of the second of the suitaiready mentioned Gould and those interested with him had been the owners and holders of the certificates and receipts referred to, issued by the Eric Sharcholders' Protection Committee to the extent, according to Gould's best recollection, of some fifty-nine thousand shares, and they were about the time of the commencement of the suit in which Coleman was appointed receiver, owners of a large number of shares, as he believes, exceeding twenty-seven thousand in number, represented by the receipts mentioued and the certificates of the committee, Gould is unable to say the exact number of the receipts in question owned by himself and those jointly interested with him at any one particular time, because such receipts and certificates were held in London by his agents there in their actual possession, and others were resting in the usual contracts of sale. He further avers that he was the owner of a number of shares, mentioned at the commencement of the suit, in which Coleman was appointed receiver, the same being in possession of his London agents, or else resting in the proposed contracts of sale, and he now believes, as informed by telegram from London, from his brokers, and from personal knowledge, all that he has in his custody and possession in the United States is upwards of 10,000 shares of the said stock stamped by Heath and Raphael, and for which he has a receipt to the extent of 18,000 shares. There were other parties to the suit, namely—W. C. Eagerson, A. G. Wood, Bernard Clarke, Henry I. Harr'ington, John Moltonough and others in New York, who are the cowners and holders of 300 shares and having the ordinary receipts issued therefor, Gould's brokers in London informed him by telegram that th passed current in the market as for the stock purporting to be thereby represented, and were the

formation, in London, of the Erie Shareholders' Pro-

shall have the right to file a cross bill or to seek other appropriate remedy therein.

On this petition Judge Blatchford made the following order:—Upon the service upon Messrs. Evarts, Southmay & Choate and Lowe, Clarke & Morgan, attorneys for plaintiffs and defendants, and James H. Coleman and Charles Robinson. or their attorneys, of copies of foregoing peution and of this order, let the parties herein severally show cause before this Court at the term to be held at the court room in the said city, on the 1st April, 1871, at eleven o'clock in the forenoon, why the prayer of said petition should not be granted, why the petitioners should not have such other relief as the Court may see fit, and in the meantime and until the returning day and hearing and decision hereto held let all proceedings touching the stock herein be stayed.

#### MELODIOUS BEATS.

A Case in the Sixth District Court-A Couple of Theatrical 'Dead Beats" Bring a Suit Against Lina Edwin-Interesting Decision by a "Long Lane that Has no Turning." The humdrum routine of business at the Sixth Judicial District Court, which usually mainly consists of cases between landlords and tenants and storekeepers and their customers, was enlivened yesterday by a suit which, though involving no great amount, is of general interest to the entire

The action was brought by a German chorus singer, named Rudoiph Laugenbuck, against the management of Lina Edwin's theatre. Laugenbuck had been engaged in the usual way at a salary of fifteen dollars a week, on a contract terminable at any time upon a notice of fourteen days. He claimed that this two weeks' notice had not been given him, and that he was therefore entitled to thirty dollars. He also claimed four dollars and twenty-eight cents for his professional services at two extra matinees-one on "the second day of Christmas," the 26th December, and the other on the Monday which was observed as New same capacity, had sold him a precisely similar claim, for the same amount, and it was therefore arranged that the two cases should be thrown into one. This species of claim is constantly being brought

one. This species of claim is constantly being brought against managers, who frequently prefer to fix up a compromise rather than lose the time and money necessarily involved in resisting the imposition.

Laugenbuck and Klebs swore positively! that the only notice of the breaking up of Miss Lina Edwin's company they had received was given them by the positing up of a short announcement on the builetta board in the green room three days before their actual dismissal. They admitted that there had been a previous notice, informing them that there would be no more rehearsals; but this they did not regard as a formal notification of discharge.

The evidence for the defence was

Charge.

The evidence for the defence was

A FLAT CONTRADICTION

of this statement. Harry Pray, the treasurer, said
that according to the usual custom a notice of the
breaking up of the company had been posted in the
green room at least three or four weeks previous to
the discharge. This was corroborated by Mr. George
Clarke, the well known actor; Richard Marston, the
scene painter, and Thomas O'Nell, the doorkeeper.
In addition the salary book of the theatre was produced, and the signatures of the plaintiff and Kiebs
were found appended to a receipt in full of all
claims of every kind "up to date."

Judge Lane, in rendering his decision, said that
the weight of evinence was decidedly in favor of the
defendants, and he thought further that the very
fact of the plaintiff and Klebs having signed the
receipt in full barred the whole action. The evidence for the claimants had been in every way
weak. Not only ought the breach of contract to
have been proved but it ought also to have been
shown that the plaintiffs had been, in the language
of the Court of Appeals, "ready, willing and able
to go on with the contract," and that they nad suffered pecuniary loss in consequence of the alleged
breach of it. He therefore dismissed the complaint,

# GLUNY? LEHENRERGER.

Arrraigned for Murder-A Plea of "Guilty" is Refused by the Court-Sad Spectacle of a Man Without Friends.

Jacob Leuenburger, who, it will be remembered. killed Frederica Meyer by shooting her through the head at Sing Sing on the 14th ultimo, and afterwards put a bullet through his own forehead, was arraigned in the Court of Oyer and Terminer, at While Plains. Westchester county, on Friday. Having been formally called upon to answer to the indictment found against him by the Grand Jury, the prisoner, who presented a forlorn and truly pitiable appearance, promptly responded "gulity." This plea the Court declined to accept, and endeavored to explain to the prisoner his legal rights in the premises. Leuenburger, however, did not seem to comprehend how the law could afford him any protection, and continued to stare vacantly at the Court, until Judge Barnard suggested that the District Attorney ask the accused if he would not like to have his trial remain over until the next term of the court, which question on being put to the unfortunate man elicited the simple monosylable, "Yes." The fact that Leunenburger was unattended by counsel may be accounted for by the circumstance of his having made a verbal transfer of all his worldly possessions to his partner after his self-inflicted wound had been pronounced fatal by two or three physicians. Did the prisoner not have made this premature transfer of his property, amounting to, perhaps, \$25,000, there is little quot that he would have had more than one legal adviser to sustain him during the trying scene in which the unhappy man stood apparently friendless and alone. sponded "gulity." This plea the Court declined to

# A DAY OF REJUCING.

The Farmers and Pleasure Seekers Cry

"Hallelujab." For ten years a movement has been on foot in Queens county to abolish toll roads and bridges. The Legislature has at last conceded the request and yesterday there was a general rejoicing. Hence-forth there will be an uninterrupted drive from Thirty-fourth street to Bayside. The farmers in par-ticular appreciate the change, as it is to them a pecu-niary saving and a guarantee of good traversable roads over which to transport their produce to the New York markets.

# WOMEN AND HORSES.

Their Relative Value in Cuba.

Female Righters Sadly Needed in the Ever Faithful.

Piquant Letter of Our Correspondent in Havana-He Describes the Ladies' Cages, Dresses and Manners-Beautiful Toys for Fickle Men, but Not Equals-Amusing Amorous Episodes - Husbands Who Like Their Wives to be Stared At.

HAVANA March 15 1871 If the American ladies who are agitating the question of suffrage for women in the United States would send a commission to Cuba to investigate the condition of their own sex in this island they would franchisement, but certainly feeling more content with the lot of their countrywomen. When I came here the Morro Castle had among her passengers a few Cuban women who had lived in New York for two years previous, and one of them especially had acquired all the bizarre airs of a caged bird set free. Her name was Julia, and her father is a leading Cuban gentleman of this city. All the way out, except when sea sickness intervened to prevent it, she busied herself singing such classic airs as "Captain Jinks," 'Walking Down Broadway" and "Tassels on the Boots." She sang "Shoo Fly, don't bodder Me," of course, perhaps because it was suggestive of her home; but the lines which seemed to give her most pleasure, and which she sang oftenest, sounded something like these:-

After singing this refrain with much unction on the last night of the voyage she folded her arms on her breast in a most dramatic fashion and exclaimed, "We are very merry to-night, but to-morrow—slaves." These words not only told the whole history of every woman's life in Cuba, but revealed the protoundest secrets of every Cuban woman's heart—her discontent with her condition and her longings after a better and more independent existence. To be well born and a woman is here the hardest of misfortunes, making the most beautiful of their sex the veriest slaves of men's caprices. But to be the slaves of men's caprices, even the most unreasonable and unrighteous of Spaniards or creoles, is endurable compared with the yoke which society puts about the feminine neck. Inordinate variety and an inordinate desire for flattery are implanted in the hearts of Cuban girls from their infancy, at the same time that all their surroundings teach them that fathers and brothers and husbands have no belief in womanly purity and virtue. CUBAN BEAUTIES AT HOME. Cuban ladies never walk, so that it is not to be

vondered at that Senorita Julia sang "Walking Down Broadway" with a sigh. Cuban ladies are not permitted to ride out alone, and if no better escort can be found a little nigger is thought wise enough to guard them from consequences against which womaniy modesty is the surest protection and manly faith the best defence. As I ride along the Cerro (the Fifth avenue of Havana) these delightful evenings, I see within the splendid residences which line that splendid thoroughfare many beautiful women and I have not failed to observe that the youngest and most beautiful are always nearest to the bars. But the bars are inexorable to the beaux as well as the belies. Glass windows are not needed in the houses of a country where the air in winter is freighted with supernal mildness and in summer laden with tropical heat. The bars which are placed over every window in the houses of the rich are accordingly necessary to prevent intrusion, and they become the wires to the cages of the imprisoned birds. This imprisonment is literal, not fanciful. Only an accepted lover may enter the go out with him or even to be a moment alone with him. At the opera he may stand all the evening at the door of her box, drinking in her beauty with his eyes, but he cannot accompany her home at the close of the play, or, as is too often the case in New York, ask her to Delmonico's for champagne and an ice. If he is not an accepted lover, if he is only beginning to do what New England has christened casting sheep glances, or has been proscribed by her parents, the outside of the bars is his only resource. The other day I was walking along one of the best streets of the city-a very inelegant occupation, 1 confess-when my attention was arrested by a young girl at the window of a splendid dwelling looking tenderly at a young man who was kneeling close to the house and beseeching her with the mos importunate looks a lover could assume. Neither speke a word, but they looked and looked into one another's eves, she casting furtive glances at he mother, who was at some distance, and he keeping out of the range of the motherly vision. The scene was supremely ludicrous, and it seemed to me to be a method of courting almost as disreputable as firrting with the handkerchief. COURTING IN CUBA.

It seems hard that the course of true love, which

never did run smooth, should begin in such troubled waters, and that the signing youth whose heart is touched should be compelled to converse for a few moments only with "the only woman he ever loved," through the bars which let the light of heaven into her father's dwelling, but shut in the light of his life. It is not, perhaps, because men here are more jealous than other men that women are jealously guarded. In no country under the sun do women receive so many courtesies and attentions as in Cubs. Nothing is too good or to expensive for a wile or a daughter. A woman's whim, except in the disposition of her own person and that independent existence without which American ladies would die, is man's law. Nowhere else is beauty so highly prized, it is no impointeness in Havana to stare at a pretty woman—on the other hand to be observed is the homage which beauty always expects from the other sex. Jealous husbands and brothers in New York would smash the faces of men for doing what is here considered conveying the most delicate compliment that can be paid to a woman. When a lady is driving, or even when she is in her own house, a stranger, unless he be a foreigner, may bow to her and tell her she is beautiful, and a lover may hear his sweetheart thank a man she never saw before for endeavoring to begulie her with fastering words. American ladies do not always escaped his kind of notice, and in the street they are stared at in a way that they denounce as imperturear, but while his here called complimentary. The boxes at the Teatro Albisu, where Italian opera florishes are made so that men can see into them from the lobbies, and between the natice through the apertures, is a ladies should be a long to the sex of the sex of the many bridge through the wires of the cages. It is not, according to American tasie, a very pretty custom, but it is founded professedly upon the theory that it is praiseworthy to look at whatever is beautiful.

The advocates of women is right assert that marrying and the bearing of children a

lary. But I must confess that there is something exquisite in the behavior of Cuban ladies which American ladies when they come to Havana utterly fall to appreciate, and sometimes construe into a license to be rude, if not lil-bred. Not long ago I saw a Maryland giri attract all eyes at the Teatro Albisu, including the opera glass of the Capana General, by exceedingly loud conversation with a caballero of Valmaseda's staff. She had heard that everybody talked at the opera, and she used the information to mortify her friends and make a fool of herself. A case like this is, however, an isolated example, and many American ladies now staying here show all the culture of the most refined circles at home.

example, and many American ladies now staying at home.

CUBAN WOMAN AND CUBAN HORSES.

In a society constituted as society is in Havana it is natural to expect that there should be a season, when there is a general display of womanly beauty. That season is of course the annual carnival preceding Lent, which for this year begun last Sunday. All the beauty of the capital might have been seen during these gain days, and it is noteworthy that the wealthy Cuban seizes upon the same opportunity to exhibit his horses that he avails himself of to show his wife and daughters to the wistful gaze of an admiring world. I might stop here and write a disquisition upon horses almost as long as my essay upon Cuban women; for the one is only less prized than the other, and the taste for horses is quite as peculiar as the taste for women. Speed is not much valued in the one, any more than wit is preferred in the other, but looks alone command attention. A man may have a slow horse and a dull wife, and yet show them with particular pride, provided the one is stylish and the other beautiful; he may even be content if his horses are nandsome, though his ladies be plain enough, though pretty women will not compensate for the lack of fine horses. The one is as jealously guarded as the other, and both are exhibited with an air which seems to say, "Thessitungs are mine; I keep them because they are beautiful, and I show them because they are my property."

### MUSICAL REVIEW.

As we predicted at the commencement of the season, the younger houses in the music trade are fast pushing the huge monopolles out of their path and becoming public favorites. There will be rueful countenances and a terrible muss at the next meet-ing of the dictatorial Board of Trade next summer, when they look back on the consequences of their own narrow-minded stupidity and illiberality toward composers and the public. Their younger neighbors have taken the first place now, and the board will soon become an institution of superannuated music dealers.

Ernest Reinking has established himself in commodious quarters on Fourth avenue, and has a new and large consignment of classical and popular works from the celebrated German houses of Peters and Breitkopf and Haertel. These editions have no rivals in elegance, accuracy, neatness and cheap-ness. They consist of the very best works of every school and have become as great favorites in Amer-

school and have become as great favorites in America as they are in Europe.

J. N. Pattison & Co., Association Hall, publish some beautiful little works by Charles Fradel, which present that composer in a new and a more favorable light than he was ever known before.

"La Blonde" is a waitz of rare beauty and possessing many traits of strong individuality in both subjects and their treatment. It is preceded by a little prelude of a very interesting character, the counterpoint of which shows the master mind. The modulations of the subject from key to key on the last pages are also very clever. The work is dedicated to Miss Marie Krebs and will likely be added to her already extensive reperiodre. already extensive repertoire.

"No Name Galop," Toulmin, is rather commonplace in character and the subjects are of a puerile
kind.

The same house publishes a collection of brilliant
little gems by Fradel, consisting of a nocturne, Polonaise, polka, march. funcbre, galop and waltz, all
of which are of the best standards of music. The
collection is published unger the appropriate name

lonaise, polka, march, funebre, galop and waitz, all of which are of the best standards of music. The collection is published under the appropriate name of "Apollo," and reflects great credit on Mr. Fradel, who, it is to be hoped, will not swerve from the noble work in which he is engaged. Merit will pay better in the end than the most gittering trash. William Hall & Son publish the following:—
"With hife and Joy." Galop. Charles Puerner. It is of the salon order, and very good in its line.
"Come Again, Happy Days." Song. J. R. Thomas. A lovely melody, worth of the composer of "Beautiful Isle" and "Happy Be Thy Dreams." That explains all.
Schirmer, Broadway, publishes the following:—
"Fountain of Love Eternal." Trio, Campana. Very pretty, well distributed among the voices and popular in every sense of the word.
Ditson & Co. publish the following:—
"Bells of May." Kohler. A dainty little piece of the "Fairy Fingers" order, and artistic in conception and treatment.
"My Angel Keeps Thee." Song. Gumbert. A very poor song, and the English words have the merit of setting the commonest rules of grammar at defiance.
"Floral Polka Mazurka." C. de Janon. Childish

deflance.
"Floral Polka Mazurka." C. de Janon. Childish and trifling.
"Norah, Sweet Norah." Baliad. W. T. Wrighton. "Norah, Sweet Norah."

Ditto.
"Out of Life's Shadow." Lichner. A sort of impromptu, in three-four time; very little better than the two preceding works.

"Though Absent, Not Forsaken." Ballad. J. H. Spiers. Middling and of a popular character.
"What is Left Me." Song. Gumbert. Simple and

charming.
"Thou Hast Something Lovely in Thine Eyes."
Song. Abt. Not as good as one would expect from Song. Abl. Not as good as one would expect from such a composer.

"Pilgrims of the Night." Sacred song. E. Clare. Trash. "Bo-Peep." Spring song. Octavia Hersel. Worth-

Pond & Co., publish the following:-"Turn In Polka." Strauss. Light and p but not up to the usual standard of this re dance composer. dance composer.

"lona Was a Stranger." Sacred song and quar
tet. J. E. Sweetser. The word trash will give but a
faint idea of the worthlessness of this affair.

# THE DEFAULTING PAYMASTERS.

Decision of the Secretary of the Navy on th Sentences of the Court Martial. WASHINGTON, D. C., March 25, 1871,

In the cases of Paymasters James S. Girard, Wiliam G. Marcy and Charles H. Lockwood, tried some time ago by court martial in Washington, and convicted of scandalous conduct, in not settligh their accounts and in the embezziement of public moneys, the Secretary of the Navy has confirme the sentences of dismissal from the service rendere in each case, but has not confirmed the sentence of

in each case, but has not confirmed the sentence of fine and imprisonment, for the reason that these are of doubtful legality and incapable of proper execution under military authority, while in the civil courts, which have concurrent jurisdiction of the offence, the authority is clear and the remedy perfect.

In the case of Paymaster Richard Washington, the court martial found that he did not appropriate any money to his own use, and having recommended him to clemency, the sentence of dismissal is mittagated to suspension from rank, duty and pay for the term of six months. This decision does not affect the liability of the securities to make good the government losses nor the prosecution of the offenders in the civil courts.

Terrible Fire in the Long Island Woods-Twenty Miles of Timber Destroyed-Villinges Threatened-Men and Women Battling With the Flames.

The woodlands of Long Island are destroyed and nually, thousands of acres of wood being consumed. The fire which commenced yesterday is probably the most extensive that has occurred for twenty years. The origin of the fire is usually attributed to passing locomotives, but the most probable cause is neglect on the part of those who live in and adjacent to the woods. The

FIRE OF YESTERDAY commenced at Merrick. The flames spread rapidly, and from there to Baldwinsvile, to the west, a vast sheet of flame swept through the woods for a distance of two miles. From Merrick to Bellmore, going east, which is a mile and a half, all the woods going east, which is a mile and a half, all the woods was on fire. From Bellmore to Ridgewood, a distance of three miles, the flames spread with equality. Here the fire ceased, but at Breslau it began again, and the woods and shrubbery from there to Babylon, a distance of three miles, were one solid sheet of flame. The fire extended from Babylon to Bayshore, and from there to Saywille, a distance of ten miles. The South Side Club House at Iship had a narrow escape. The villages of Babylon and Sayville were threatened, the fire having damaged several houses. Men, women and fate last might had partially succeeded. The sight was a pretty one to behold. The pine and chestnut crackled and blazed, while the oak and hickory shoked terribly. The air was filled with birds flying to escape. Here and there a dead rabbit or squirrel was to be seen. Twenty miles of woodland were burned over, the trees being rendered wholly useless for anything save charcoal. The damage will amount to \$100,000, which is a total loss to the thrifty farmers.

A PROCESSION OF EELS.—The Delaware County A PROCESSION OF ERIS.—The Delaware County (Pa.) American says:—A gentleman who has resided a number of years on the margin of the Delaware informs us that it is an interesting sight in the month of April to watch the migration of eets. The fish, which are all young, only some four or five inches in length, advance in uniform order within a foot or two of the shore, and usually three abreast. They migrate from sait water to the upper parts of the river, are about three days passing, and keep up a uniform rate of speed day and night. They proceed in as close proximity to the shore as possible in order to escape their enemies, catfish, rock and perch. The old fishermen never fail to observe this interesting spectacle.